



LOUISVILLE & NASHVILLE RAILROAD COMPANY

908 W. BROADWAY • LOUISVILLE, KENTUCKY 40203 TELEPHONE (502) 587-5235

LAW DEPARTMENT

April 23, 1979

DAVID M. YEARWOOD
GENERAL ATTORNEY

Mr. H. G. Homme, Jr.
Secretary

Interstate Commerce Commission
Washington, D. C. 20423

RECORDATION NO. 9662 Filed 142 Date APR 25 1979

APR 25 1979 12 50 PM Fee \$10.00
INTERSTATE COMMERCE COMMISSION
Washington, D. C.

Dear Mr. Secretary:

There is transmitted to you herewith for filing and recordation, pursuant to 49 U.S.C. Section 11303, duly executed counterparts of an Agreement of Partial Release dated as of March 15, 1979 between The Liberty National Leasing Company, whose address is 416 West Jefferson Street, Louisville, Kentucky 40202, and Morgan Guaranty Trust Company of New York, as Trustee and as Agent, whose address is 9 West 57th Street, New York, New York 10019.

By this Agreement of Partial Release, The Liberty National Leasing Company and Morgan Guaranty Trust Company of New York, as Trustee and as Agent, released six 70-ton open top hopper cars bearing the Louisville and Nashville Railroad Company's road numbers 155206, 155212, 155331, 155442, 155704 and 155744 from the Conditional Sale Agreement and Lease of Railroad Equipment dated July 15, 1978 which were filed and recorded with the Interstate Commerce Commission on August 29, 1978 and assigned Recordation Nos. 9662 and 9662-B, respectively.

Attached hereto is a draft in the amount of \$10 payable to the Treasurer of the United States covering the prescribed recordation fee for said Agreement.

This letter of transmittal is signed by an officer of Louisville and Nashville Railroad Company designated for the purpose hereof who has knowledge of the matters set forth herein.

FEE OPERATION BR.
I.C.C.

APR 25 12 46 PM '79

RECEIVED

After recordation, please return the recorded counterparts of said Agreement to:

Mr. David M. Yearwood
General Attorney
Louisville and Nashville Railroad Company
908 West Broadway
Louisville, Kentucky 40203

Respectfully yours,

Louisville and Nashville Railroad Company

By David M. Yearwood
David M. Yearwood
General Attorney

Attachment

Interstate Commerce Commission
Washington, D.C. 20423

4/27/79

OFFICE OF THE SECRETARY

David M. Yearwood
Gen. Atty.
Louisville & Nashville RR.Co.
908 W.Broadway
Louisville, Kentucky 40203

Dear

Sir:

The enclosed document(s) was recorded pursuant to the provisions of Section 11303 of the Interstate Commerce Act, 49 U.S.C.

11303, on **4/25/79** at **12:50pm**, and assigned recordation number(s).

9662-E

Sincerely yours,

H. G. Homme, Jr.
Secretary

Enclosure(s)

SE-30
(3/79)

APR 25 1979 - 12 50 PM

INTERSTATE COMMERCE COMMISSION
AGREEMENT OF PARTIAL RELEASE dated as of March 15, 1979 between

THE LIBERTY NATIONAL LEASING COMPANY and MORGAN GUARANTY TRUST COMPANY OF
NEW YORK, as Trustee and as Agent.

WITNESSETH:

WHEREAS, by a Conditional Sale Agreement dated as of July 15, 1978 (hereinafter called the Conditional Sale Agreement) between the Louisville and Nashville Railroad Company and The Liberty National Leasing Company, the Louisville and Nashville Railroad Company agreed to sell and deliver and The Liberty National Leasing Company agreed to purchase the used railroad equipment described in Annex A thereto (hereinafter called the Equipment);

WHEREAS, by a Lease of Railroad Equipment dated as of July 15, 1978 (hereinafter called the Lease) between the Louisville and Nashville Railroad Company (therein and hereinafter called the Lessee) and The Liberty National Leasing Company (therein and hereinafter called the Lessor), the Lessor leased the Equipment to the Lessee;

WHEREAS, by an Agreement and Assignment dated July 15, 1978 (hereinafter called the Assignment) the Lessor assigned its interests in the Conditional Sale Agreement to Morgan Guaranty Trust Company of New York, as Trustee and as Agent;

WHEREAS, by an Assignment of Lease and Agreement dated as of July 15, 1978 (hereinafter called the Lease Assignment) the Lessor assigned its interests in the Lease to Morgan Guaranty Trust Company of New York, as Trustee and as Agent;

WHEREAS, the Conditional Sale Agreement, Assignment, Lease and Lease Assignment were filed and recorded with the Interstate Commerce Commission on August 29, 1978 and assigned Recordation Nos. 9662, 9662-A, 9662-B and 9662-C, respectively;

WHEREAS, six of the 70-ton open top hopper cars bearing L&N road numbers 155206, 155212, 155331, 155442, 155704 and 155744, subject to the Conditional Sale Agreement and Lease, have suffered a Casualty Occurrence (hereinafter called the Casualty Units); and

WHEREAS, the aggregate Casualty Value of the Casualty Units has been paid.

NOW, THEREFORE, in consideration of the premises, the parties hereto do hereby transfer to the Lessee their interest in the Casualty Units and release the Casualty Units from the terms and conditions of the Conditional Sale Agreement and Lease.

This instrument may be executed in two or more counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date first above written.

THE LIBERTY NATIONAL LEASING COMPANY

By J. E. Vittitor
Vice President

(Corporate Seal)

ATTEST:

Robert W. Henderson
Asst. Secretary

MORGAN GUARANTY TRUST COMPANY OF NEW YORK,
as Trustee and as Agent

By

~~Assistant~~ Vice President
Gerald H. Osterberg

(Corporate Seal)

ATTEST:

J. W. Tinsdale
Assistant Secretary

COMMONWEALTH OF KENTUCKY)

) SS:

COUNTY OF JEFFERSON

On this 11th day of ^{April}~~March~~, 1979, before me personally appeared J. E. V. Nitow, to me personally known, who being by me duly sworn, says that he is a Vice President of THE LIBERTY NATIONAL LEASING COMPANY, that one of the seals affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.


Notary Public

My Commission expires 10-5-79

(Notarial Seal)

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

On this 4th day of ^{April}~~March~~, 1979, before me personally appeared Gerald H. Osterberg, to me personally known, who, being by me duly sworn, says that he is a ^{present}~~former~~ Vice President of MORGAN GUARANTY TRUST COMPANY OF NEW YORK, that one of the seals affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.


Notary Public

My Commission expires PAULINE M. OCHIGUTE
NOTARY PUBLIC, State of New York
No. 21 455233

(Notarial Seal)

Qualified in Kings County
Certificate filed in New York County
Commission Expires March 30, 1981